

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff,	:	22cv4736 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
KAREN ROSENBERGER and JOANNA LANNI,	:	
	:	
Defendants.	:	
-----X	:	

DENISE COTE, District Judge:

On February 5, 2024, defendants Karen Rosenberger and Joanna Lanni filed a motion for a certificate of appealability from the Opinion of January 26, 2024 ("Opinion"). The Opinion granted the Securities and Exchange Commission's ("SEC") partial motion for summary judgment. In a letter dated April 8, the SEC informed the Court that it did not intend to pursue the remaining claims and instead sought to file a motion for relief and judgment against Rosenberger. On the same day, the SEC's proposed consent judgment against Lanni was entered.

On April 12, the SEC filed its opposition to Rosenberger and Lanni's February 5 motion. On May 2, Rosenberger filed her reply. In her reply, Rosenberger withdrew her motion for a certificate of appealability, in light of the SEC's April 8 letter and its decision not to further pursue the claims which were not the subject of its partial summary judgment motion.


Rosenberger requested that her February 5 motion be treated instead as a motion for reconsideration.

The deadline for a motion for reconsideration of the Opinion was February 9, 2024. Rosenberger's request comes over two months after this date. Moreover, Rosenberger has met neither the standard for reconsideration nor for certification of an appeal. She has not shown any legal error in the Opinion, that an immediate appeal would materially advance the litigation, nor any other basis for either reconsideration or an interlocutory appeal pursuant to 28 U.S.C. § 1292. Accordingly, it is hereby

ORDERED that Rosenberger and Lanni's February 5 motion for a certificate of appealability is denied.

IT IS FURTHER ORDERED that Rosenberger's May 2 motion for reconsideration is denied as untimely and on the merits.

Dated: New York, New York
May 3, 2024



DENISE COTE
United States District Judge